

**REMARKS/ARGUMENTS**

The present Amendment is in response to the Office Action having a mailing date of April 22, 2005. Claims 1-38 are pending in the present Application. Applicant has amended claim 1. Consequently, claims 1-38 remain pending in the present Application.

Applicant has amended claim 1 to correct a minor grammatical error. Accordingly, Applicant respectfully submits that no new matter is added and the scope of claim 1 is not narrowed.

In the above-identified Office Action, the Examiner objected to claim 1 because of an informality in line 11 of claim 1. Applicant has amended claim 1 to correct the informality. Accordingly, Applicant respectfully submits that the Examiner's objection has been addressed.

In the above-identified Office Action, the Examiner rejected claims 1, 7, and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner objected to the limitation of "the tag for altering the at least one default. . ."

Applicant respectfully disagrees with the Examiner's rejection. Claim 1 recites in step (c1), "a tag stored in at least one image file for a first portion of the plurality of images, the tag for altering the at least one default . . . wherein the tag received in the image file. . . is received in a communication that is separate from the user setting the plurality of defaults . . and that initially provides the first portion of the plurality of images. . ." Thus, a tag is recited in claim 1. The same tag that is stored in the image file(s) alters the default. The same tag that is stored in the image file(s) is also received in the recited communication. Applicant also notes that the term "separate" modifies the term "communication." Thus, the communication (which carries the image file(s) and thus the tag) is separate from the user setting the defaults. The communication

also initially provides the first portion of the plurality of images. Consequently, the tag is received in the image file(s), alters at least one default, and is received separately from the initial setting of the defaults. The tag is, therefore, clear and definite. Furthermore, there is sufficient antecedent basis for each recitation of “the tag.” Claims 7 and 20 recite the tag in an analogous manner. Consequently, the arguments herein apply with full force to claims 7 and 20.

Accordingly, Applicant respectfully submits that claims 1, 7, and 20 are clear and definite.

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-38 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,459,511 (Haneda). The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 5,963,916 (Kaplan). The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 6,324,545 (Morag).

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-38 under 35 U.S.C. § 102 as being anticipated by Haneda.

Applicant respectfully disagrees with the Examiner’s rejection. Applicant respectfully draws the Examiner’s attention to the arguments made in the preliminary amendment filed on January 5, 2005. Moreover, claims 1, 7, 20, 26, and 38 recite that a tag stored in image file(s) alters defaults for an album. The image file(s) storing the tag are received in a communication that is separate from the user setting the plurality of defaults and that initially provides the first portion of the plurality of images corresponding to the at least one image file. Consequently, by initially providing the image files, the user provides the tag that alters defaults that may have been previously set.

In contrast, Haneda describes a system which does not utilize tags stored in image files and does not provide the default-altering tags in a communication that is separate from the initial setting

of the defaults and that initially provides the image files. Haneda describes a system which initially provides default-altering information using other mechanisms. The system of Haneda provides to the laboratory items such as special photographic film, on paper, or a sales slip. Haneda, col. 18, lines 32-35; col. 23, lines 32-33. The sales slip, paper, or photographic film includes the information used in altering defaults. Thus, this default-altering information is not initially provided by the user in the form of tags in an image file. Consequently, Haneda fails to teach or suggest the recited tags.

Once the laboratory has received this information and the film images, the laboratory stores the information and the images on the user's disk. Haneda, col. 28, lines 18-21. Consequently, the default-altering information is stored on the user's disk with image files. However, this storage is performed *by the laboratory*, not by the user. Digital storage by the laboratory of the information provided by the user is distinct from the user providing tags in an image file. Thus, although information that may be used to alter defaults is stored in the image file, the information is initially stored by the lab, rather than being initially provided by the user in the image file(s) as the pending independent claims recite. Even if it is assumed that the user can then receive the user's disk, change the stored default-altering information, and return the disk to the laboratory, this does not change the conclusion that Haneda fails to teach or suggest the recited methods and systems. In such a scenario, the tags are still not provided with the communication that initially provides the image files. Haneda would, therefore, still fail to teach or suggest providing recited tags in image file(s) that are provided separately from setting the defaults and when the image file(s) are initially provided. Consequently, Haneda fails to teach or suggest the methods and systems recited in claims 1, 7, 20, 26, and 38. Accordingly, Applicant respectfully submits that claims 1, 7, 20, 26, and 38 are allowable over the cited references.

The teachings of Kaplan and Morag fail to alter this conclusion. Kaplan describes a system in which multimedia content can be viewed and, if desired, purchased by a user. Kaplan, col. 15, lines 40-67. The cited portion of Kaplan makes no mention of providing tags in image files in the communication that initially provides the image files. The cited portion of Kaplan also fails to discuss the tags being used to alter previously set defaults. Morag describes a system in which digital images and instructions are provided. Morag, col. 7, line 15-58. Although Morag functions for its intended purpose, Applicant has found no mention in the cited portion of Morag of providing tags in image files in the communication that initially provides the image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Consequently, even if the teachings of Kaplan and/or Morag were added to the teachings of Haneda, the combination would still have the defects of Haneda. Consequently, Haneda in view of Kaplan and/or Morag would still fail to teach or suggest the methods and systems recited in claims 1, 7, 20, 26, and 38. Accordingly, Applicant respectfully submits that claims 1, 7, 20, 26, and 38 are allowable over the cited references.

Claims 5-6 and 8-19 depend upon independent claim 1. Claims 24-25 and 27-37 depend upon independent claim 20. Consequently, the arguments herein apply with full force to claims 5-6, 8-19, 24-25 and 27-37. Accordingly, Applicant respectfully submits that claims 5-6, 8-19, 24-25 and 27-37 are allowable over the cited references.

The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Kaplan.

Applicant respectfully traverses the Examiner's rejection. Claims 2-3 and 21-22 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and

Kaplan apply with full force to claims 2-3 and 21-22. Accordingly, Applicant respectfully submits that claims 2-3 and 21-22 are allowable over the cited references.

The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Morag.

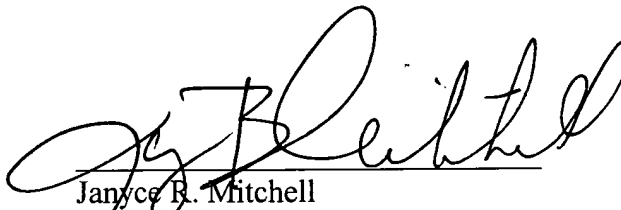
Applicant respectfully traverses the Examiner's rejection. Claims 4 and 23 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and Kaplan apply with full force to claims 4 and 23. Accordingly, Applicant respectfully submits that claims 4 and 23 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

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Date

  
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